



**Connecticut Sexual Assault Crisis Services, Inc.**

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**Testimony of Connecticut Sexual Assault Crisis Services  
In Support of SB 315 AN ACT CONCERNING SEXUAL ASSAULT OF A  
DEVELOPMENTALLY DISABLED OR SEVERELY PHYSICALLY DISABLED PERSON  
Anna Doroghazi, Director of Public Policy and Communication  
Human Services Committee, March 2, 2010**

Senator Doyle, Representative Walker, and honorable members of the Human Services Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. I am here today to speak in support of SB 315 AN ACT CONCERNING SEXUAL ASSAULT OF A DEVELOPMENTALLY DISABLED OR SEVERELY PHYSICALLY DISABLED PERSON.

If you are a female, you have approximately a 26% chance of experiencing some form of sexual violence in your lifetime<sup>1</sup>. If you are a female with a disability, you have only a 17% chance of *not* experiencing some form of sexual violence during your life<sup>2</sup>. Those odds are appalling. 32% of men with disabilities will experience sexual violence in their lifetime<sup>3</sup>. Those odds aren't much better.

Despite being at the highest risk of sexual violence of any population in our country, people with disabilities are among the least well-protected under Connecticut law. In the fall of 2009, a Connecticut Appellate Court overturned the verdict of a man who been found guilty of raping a woman with severe disabilities<sup>4</sup>. Despite this woman's intense physical limitations and despite her inability to communicate affirmatively without assistive devices, the appeals court stated that they were "not persuaded that the complainant was either unconscious or so uncommunicative that she was physically incapable of manifesting to the defendant her lack of consent."<sup>5</sup>

Simply put, the court found that the victim did not try hard enough to say "no." This perpetuates the unfortunate misconception that victims are responsible for their rapes. The onus of consent should be on the initiator of sexual activity. "No" means "no," but it should not be assumed that the absence of "no" means "yes." A clearly communicated affirmation is the only indication that sex is consensual. This is especially true when

<sup>1</sup> Macro International, Inc. *Sexual Assault Attitudes and Experiences Study*. Burlington, VT: Macro International, 2000.

<sup>2</sup> Johnson and Sigler. "Forced Sexual Intercourse Among Intimates." *Journal of Interpersonal Violence*. 15.1 (2000)

<sup>3</sup> *ibid*

<sup>4</sup> State of Connecticut v. Richard Fourtin. AC 29899. CT Appellate Court. Nov. 2009.

<sup>5</sup> *ibid*

victims can only communicate with great difficulty or when victims comply with their perpetrators out of fear for their lives or physical safety.

SB 315 expands existing criminal statutes to provide that sexual intercourse or sexual contact with a person whose ability to resist or consent is impaired because of a mental or physical condition or advanced age constitutes the crime of sexual assault. CONNSACS supports this new language because it is critical for the law to acknowledge that if a person cannot or does not communicate consent for any reason, sex with that person is rape.

Despite strongly supporting the intent of SB 315, CONNSACS has one reservation regarding the bill's language. We are concerned that the current version of the bill may be so broad as to preclude consent in all cases where an individual is "substantially impaired because of a mental or physical condition or advanced age." We hope that the committee will consider clarifying the language of the bill to avoid this possible interpretation.

83% of women and 32% of men. The rate of sexual victimization in the disability community is overwhelming, and for some survivors, justice has been elusive. CONNSACS hopes that you will join us in supporting SB 315 and strengthening the legal protections that are available to victims of sexual violence.

Thank you for your time.

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